

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ANNAMALAI ANNAMALAI,
also known as
SWAMIJI SRI SELVAM SIDDHAR
also known as
DR. COMMANDER SELVAM
#56820-379,**

Petitioner,

v.

No. 16-cv-524-DRH

**PAUL M. LAIRD,
FEDERAL BUREAU OF PRISONS,
and MAUREEN P. BAIRD,**

Respondent.

MEMORANDUM AND ORDER

HERNDON, District Judge:

Now before the Court for reconsideration is Petitioner's Notice of Dismissal Without Prejudice (Doc. 20), which was denied as untimely on June 20, 2016 (Doc. 21). The Court received the Notice six days after the Order Dismissing Case (Doc. 15) was docketed on June 10, 2016. Upon review, the Court notes that Petitioner signed the Notice on June 8, 2016 (Doc. 20, p. 1). Petitioner also certified that he placed the Notice into the prison's mail system by handing it to a member of the prison's staff on June 8, 2016 (*id.* at 2). The Order Dismissing Case was signed one day later and docketed two days later (Doc. 15).

Petitioner has filed an unsigned motion (Doc. 22), in which he again seeks

voluntarily dismissal of this action without prejudice and without sanctions. Under the “mailbox rule,” a prisoner’s “legal documents are considered filed on the date that they’re tendered to prison staff in accordance with reasonable prison policies.” *Taylor v. Brown*, 787 F.3d 851, 859 (7th Cir. 2015). The mailbox rule applies to “all district-court filings.” *Id.* at 858-59. Petitioner’s Notice of Dismissal Without Prejudice is considered timely under this rule. Accordingly, his request to voluntarily dismiss this action without prejudice shall be granted.

However, Petitioner stands **WARNED** that this Court will not tolerate his vexatious litigation. Petitioner will be subject to sanctions, including fines and/or a filing ban, if he undertakes further efforts to file frivolous and harassing lawsuits in this District. *See Alexander v. United States*, 121 F.3d 312 (7th Cir. 1997), and *Support Systems International, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995).

IT IS HEREBY ORDERED that the Order Dismissing Case (Doc. 15) and Order Denying Notice of Dismissal Without Prejudice (Doc. 21) are **VACATED**. Petitioner’s Notice of Dismissal Without Prejudice is **GRANTED**. This action is **DISMISSED without prejudice**. See FED. R. CIV. P. 41(a)(1)(A)(i). The Clerk is hereby **DIRECTED** to **STRIKE** Petitioner’s unsigned Motion to Withdraw (Doc. 22). *See* FED. R. CIV. P. 11(a).

IT IS FURTHER ORDERED that Petitioner remains obligated to pay the \$5.00 filing fee for this habeas action. The obligation to pay the fee was incurred at the time he filed this case.

The Clerk's Office is **DIRECTED** to close this case and enter a judgment accordingly.

IT IS SO ORDERED.

DATED: June 23, 2016

David R. Herndon



Digitally signed by
Judge David R.
Herndon
Date: 2016.06.23
10:53:29 -05'00'

United States District Judge